

Application No. 10/069,027
Response to Final Office Action

Customer No. 01933

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claims 1 and 3 have been amended to incorporate the subject matter of claims 2 and 4, respectively. In addition, claim 5 has been amended to correct a minor clerical error. And claim 7 has been amended to depend from claim 3.

No new matter has been added and no new issues have been raised which require further consideration on the merits and/or a new search. Accordingly, it is respectfully requested that the amendments to the claims be approved and entered under 37 CFR 1.116.

THE PRIOR ART REJECTION

Claims 1-11 were again rejected under 35 USC 102 and under 35 USC 103 as being anticipated by and/or obvious in view of JP 04-129570 ("Tanaka et al"). These rejections, however, are respectfully traversed.

According to the present invention as recited in independent claims 1 and 3, a therapeutic appliance is provided for treating dissecting aortic aneurysms, wherein the appliance comprises a

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stretchable bag-like element provided on and along an end portion of a catheter. As recited in amended independent claims 1 and 3, moreover, the bag-like element has an inside film and an outside film which are partially and directly joined at a plurality of linear joined portions that are parallel to an axis of the catheter.

With this structure, as shown in Reference Figs. A-C (which are simplified views of the therapeutic appliance of the claimed present invention), according to the claimed present invention the bag-like element is formed from a plurality of linear sections defined by the linear joined portions (see Reference Fig. A). When the bag-like element is expanded in a blood vessel, the bag-like element is cylindrically shaped, along the inside wall of the blood vessel (see Reference Figs. B and C). In this state, the tension of the bag-like element prevents the bag-like element from folding at sharp angles (see Reference Fig. B and the magnified portion thereof). Therefore, the therapeutic appliance of the claimed present invention can be reliably formed into a cylindrical shape.

The Examiner asserts on pages 2 and 3 of the Office Action that Tanaka et al discloses a balloon catheter comprising a bag-like element with an inside film 7a, and an outside film formed by elements 8/7b and additional film 7c. Thus, the Examiner contends that film 7a of Tanaka et al corresponds to the inside

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film of the claimed present invention, and that films 7b and 7c of Tanaka et al together correspond to the outside film of the claimed present invention.

As explained in the full English translation of the text of Tanaka et al, which is submitted herewith, the outside film 7c and inside film 7a are not directly joined. In addition, it is respectfully pointed out that according to Tanaka et al the link sections 8 are not linear, and do not extend in parallel to the catheter. In fact, the link sections 8 are separate sections which are off set from each other in the direction parallel to the catheter as well as in the direction perpendicular to the catheter. (See Fig. 3 of Tanaka et al.) And as seen in Reference Figs. D and E attached hereto, with this structure of the link sections 8 according to Tanaka et al, the balloon 2 is more easily folded than the bag-like element according to the claimed present invention.

Thus, it is respectfully submitted that Tanaka et al does not disclose, teach or suggest the features of the present invention recited in amended independent claims 1 and 3 whereby the bag-like element has an inside film and an outside film which are partially and directly joined at a plurality of linear joined portions that are parallel to an axis of the catheter.

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As recited in claims 6, 9 and 11 depending from claims 1 and 3, moreover, the therapeutic appliance of the present invention comprises an additional film on an outside surface of the bag-like element, wherein the additional film defines a space between the additional film and the outside film for holding fluid therein.

It is respectfully pointed out that the Examiner has not pointed to any feature of Tanaka et al that would correspond to the additional film that defines a space between the additional film and the outer film, as recited in claims 6, 9 and 11. And it is respectfully submitted that Tanaka et al does not disclose, teach or suggest this feature of the present invention as recited in claims 6, 9 and 11.

In view of the foregoing, it is respectfully submitted that the present invention as recited in independent claims 1 and 3, as well as claims 5-7, 9 and 11 depending therefrom, clearly patentably distinguishes over Tanaka et al, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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